

REMARKS

The Office Action mailed January 2, 2004, has been carefully reviewed and the following remarks and amendment have been made in consequence thereof.

Subsequent to entry of the foregoing amendment, Claims 1-20 will be pending in this application. Claims 1-20 are rejected.

The objection to the drawings under 37 C.F.R. 1.83 (a) is respectfully traversed. Specifically, Claim 2 has been amended to remove references to “the alignment fixture”. Moreover, Figure 4 has been amended to include a reference number identifying an inner surface of first sleeve 140, as described in the specification, and the lead line for 166 has been amended to correctly reference diameter 166 as described in the specification. The attached sheet of replacement drawings includes changes to Figure 4. This replacement sheet including Figure 4, replaces the original sheet which included Figure 4. No new matter has been added. Accordingly, for at least the reasons set forth above, Applicants respectfully request the objections to the drawings be withdrawn.

The objection to the specification is respectfully traversed. Specifically, paragraphs 3 and 18 have been amended in accordance with the Examiner’s suggestions. Claims 7, 8, 11, and 16 have each been amended to remove references to “at least one of the first and second sidewalls...” in accordance with the specification. Paragraph 19 has been amended to provide antecedent basis for the recitations of Claims 12 and 17.

Moreover, Claims 1, 6, 8-10, and 12 have been amended to incorporate the Examiner’s suggestions to the claim language.

Accordingly, for at least the reasons set forth above, Applicants respectfully request the objections to the specification be withdrawn.

The objections to Claims 1-12 and 14-20 are respectfully traversed. Specifically, the Claims have been amended to incorporate the Examiner’s suggestions. Accordingly, for at least the reasons set forth above, Applicants respectfully request the objections to Claims 1-12 and 14-20 be withdrawn.

The rejection of Claims 7-9, 11, 12, and 16-20 under 35 U.S.C. § 112, second paragraph is respectfully traversed. Specifically, Claims 7, 8, 11, and 16 have each been amended to remove references to “at least” in accordance with the Examiner’s suggestions. Claim 12 depends from Claim 11. Claims 17-20 depend from Claim 16. Accordingly, for at least the reasons set forth above, Applicants respectfully request the Section 112 rejections of Claims 7-9, 11, 12, and 16-20 be withdrawn.

The rejection of Claims 1, 3-6, 10, and 13-15 under 35 U.S.C. § 103 as being unpatentable over Meyers et al. (U.S. Pat. No. 4,993,918) in view of United Kingdom Patent 472,329 (UK ‘329) is respectfully traversed.

Meyers et al. describe a fairing 33 that is assembled around a radial strut 16. Fairing 33 includes a pair of symmetrical members 26 and 28 riveted together such that members 26 and 28 are connected together at a trailing edge and such that a nose piece 24 is coupled between members 26 and 28 and defines a leading edge 30 for fairing 33. Moreover, when members 26 and 28 are coupled together, and coupled to nose piece 24, a cavity is defined between members 26 and 28. Each member 26 and 28 includes a plurality of risers or dimples formed along the internal walls of members 26 and 28. The dimples assure that there is an air space between members 26 and 28, and each strut being encapsulated therein. In addition, each member 26 and 28 includes a plurality of rivet holes 74 that extend through each member 26 and 28 and through bosses formed along the internal wall of each member 26 and 28. Rivet holes 74 are sized to receive rivets therein to couple members 26 and 28 together.

United Kingdom Patent 472,329 (UK ‘329) describes a rivet assembly for coupling a pair of substantially planar plates *f* and *g* together such that plates *f* and *g* are retained firmly against each other. The rivet assembly includes a tubular shell *a* having a flange *b* at one end. Shell *a* is inserted through an opening formed in plates *f* and *g*, and a second tubular member *c* is inserted through shell *a*. A mandrel *e* having a tapered head *d*, is threaded through shells *a* and *c* and is drawn partially through *a* and *c* such that shells *a* and *c* are secured within plates *f* and *g*, and such that plates *f* and *g* are secured against each other.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that

it would have been an obvious to one of ordinary skill in the art to replace the rivet of the strut of Meyers with a sleeve such that the sleeve is attached by drawing a mandrel through the sleeve to secure the sleeve to the sidewalls. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Moreover, Applicants submit that Meyers et al. teaches away from United Kingdom Patent 472,329 (UK '329) in that Meyers et al. describe inserting a plurality of rivets through openings formed in a pair of members, such that the members are coupled together such that a cavity remains defined between the members, and in contrast to Meyers et al., UK '329 describes inserting a rivet through a sleeve assembly to couple together a pair of plates such that the plates are secured firmly against each other. Since there is no teaching nor

suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1, 3-6, 10, and 13-15 be withdrawn.

Moreover, if art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit, as described above, that Meyers et al. teaches away from UK '329, and as such, thus supports the nonobviousness of the present invention. Consequently, the presently pending claims are respectfully submitted to be patentably distinguishable from the cited combination.

In addition, and to the extent understood, no combination of Meyers et al. and UK '329 describes or suggests the present invention. Specifically, Claim 1 recites a method for installing an expandable stiffener, wherein the method comprises providing an assembly including a strut having a first sidewall and a second sidewall connected at a leading and trailing edge such that a cavity is defined therebetween...inserting a first expandable sleeve through the assembly opening such that the sleeve extends across the cavity and between the first and second strut sidewalls...coupling the sleeve to the first and second sidewalls.

No combination of Meyers et al. and UK '329 describes or suggests a method for installing an expandable stiffener wherein the method includes providing a strut having a first sidewall and a second sidewall connected at a leading and trailing edge such that a cavity is defined therebetween, in combination with inserting a first expandable sleeve through the assembly opening such that the sleeve extends across the cavity and between the first and second strut sidewalls. Specifically, no combination of Meyers et al. and UK '329 describes or suggests inserting a first expandable sleeve through the assembly opening such that the sleeve extends across the cavity and between the first and second strut sidewalls. Rather in contrast to the present invention, Meyers et al. describes coupling a pair of members together using a rivet assembly that does not include any expandable sleeves, and UK '329 describes

coupling a first plate against a second plate. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Meyers et al. in view of United Kingdom Patent 472,329 (UK '329).

Claims 3-6 and 10 depend directly or indirectly from independent Claim 1. When the recitations of Claims 3-6 and 10 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 3-6 and 10 are likewise patentable over Meyers et al. in view of United Kingdom Patent 472,329 (UK '329).

Claim 13 recites a strut for a gas turbine engine, wherein the strut comprises "a first sidewall...a second sidewall connected to said first sidewall at a leading edge and at a trailing edge, such that a cavity is defined between said first and second sidewalls...at least one expandable sleeve extending through said first and second sidewall openings and between said first sidewall and said second sidewall...."

No combination of Meyers et al. and UK '329 describes or suggests a strut for a gas turbine engine wherein the strut includes an expandable sleeve extending through first and second sidewall openings and between the first sidewall and the second sidewall. Rather in contrast to the present invention, Meyers et al. describes coupling a pair of members together using a rivet assembly that does not include any expandable sleeves, and UK '329 describes coupling a first plate against a second plate. Accordingly, for at least the reasons set forth above, Claim 13 is submitted to be patentable over Meyers et al. in view of United Kingdom Patent 472,329 (UK '329).

Claims 14 and 15 depend directly or indirectly from independent Claim 13. When the recitations of Claims 14 and 15 are considered in combination with the recitations of Claim 13, Applicants submit that Claims 14 and 15 are likewise patentable over Meyers et al. in view of United Kingdom Patent 472,329 (UK '329).

For the reasons set forth above, Applicants request that the Section 103 rejection of Claims 1, 3-6, 10, and 13-15 be withdrawn.

The rejection of Claim 2 under 35 U.S.C. § 103 as being unpatentable over Meyers et al. in view of United Kingdom Patent 472,329 (UK '329) and further in view of Gutnik (U.S. Pat. No. 4,815, 193) is respectfully traversed.

Meyers et al. and UK '329 are described above. Gutnik describes a method of coupling a plurality of flat sheets 10, 12 and 14 together using a rivet. Sheets 10, 12, and 14 are clamped between a tubular clamping sleeve 18 and a tubular fixture 16. A two-part anvil 22 and 24 is positioned within clamping sleeve 18.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify the strut/stiffener of Meyers such that it utilizes an alignment fixture, as taught by Gutnik. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the Applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

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Moreover, Applicants submit that Meyers et al. teaches away from United Kingdom Patent 472,329 (UK '329) and from Gutnik in that Meyers et al. describe inserting a plurality of rivets through openings formed in a pair of members, such that the members are coupled together such that a cavity remains defined between the members, and in contrast to Meyers et al., both UK '329 and Gutnik describe inserting a rivet through a work piece assembly to couple together a plurality of plates such that the plates are secured firmly against each other. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claim 2 be withdrawn.

Moreover, if art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited art, as a whole, is not suggestive of the presently claimed invention. More specifically, Applicants respectfully submit, as described above, that Meyers et al. teaches away from UK '329 and from Gutnik, and as such, thus supports the nonobviousness of the present invention. Consequently, the presently pending claims are respectfully submitted to be patentably distinguishable from the cited combination.

In addition, and to the extent understood, no combination of Meyers et al., UK '329, and Gutnik describes or suggests the present invention. Specifically, Claim 1 recites a method for installing an expandable stiffener, wherein the method comprises providing an assembly including a strut having a first sidewall and a second sidewall connected at a leading and trailing edge such that a cavity is defined therebetween...inserting a first expandable sleeve through the assembly opening such that the sleeve extends across the cavity and between the first and second strut sidewalls...coupling the sleeve to the first and second sidewalls.

No combination of Meyers et al., UK '329, and Gutnik describes or suggests a method for installing an expandable stiffener wherein the method includes providing a strut having a first sidewall and a second sidewall connected at a leading and trailing edge such

that a cavity is defined therebetween, in combination with inserting a first expandable sleeve through the assembly opening such that the sleeve extends across the cavity and between the first and second strut sidewalls. Specifically, no combination of Meyers et al., UK '329, and Gutnik describes or suggests inserting a first expandable sleeve through the assembly opening such that the sleeve extends across the cavity and between the first and second strut sidewalls. Rather in contrast to the present invention, Meyers et al. describes coupling a pair of members together using a rivet assembly that does not include any expandable sleeves, and both UK '329 and Gutnik describes coupling a plurality of flat plates against each other. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Meyers et al. in view of United Kingdom Patent 472,329 (UK '329), and further in view of Gutnik.

Claim 2 depends from independent Claim 1. When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicants submit that Claim 2 is likewise patentable over Meyers et al. in view of United Kingdom Patent 472,329 (UK '329), and further in view of Gutnik.

For the reasons set forth above, Applicants request that the Section 103 rejection of Claim 2 be withdrawn.

Claims 7-9, 11, 12, and 16-20 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7-9, 11, and 12 depend from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 7-9, 11, and 12 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 7-9, 11, and 12 are likewise in condition for allowance.

Claims 16-20 depend from independent Claim 13 which is submitted to be in condition for allowance. When the recitations of Claims 16-20 are considered in combination with the recitations of Claim 13, Applicants submit that Claims 16-20 are likewise in condition for allowance.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reese III', written over a horizontal line.

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